IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4381 OF 2006

Mr. Rohit Chugani ..Applicant

Vs.

1. Pooja Chugani and anr. ..Respondents

Mr. Pallavi Ashar i/by Mr. A.M. Saraogi for applicant.
Mrs.Revati Mohite Dere for respondent no.1.
Ms. R.M. Gadhvi, APP for respondent no.2-State.

CORAM: B.H. MARLAPALLE, J.

Date : January 10, 2007.

P.C.:

1. This application was filed praying for anticipatory bail apprehending arrest by the police from Juhu Police Station where C.R. No.358 of 2006 came to be registered against the applicant on the complaint filed by his wife i.e. Mrs.Pooja Chugani and the said prayer was rejected by the Principal Sessions Judge at Mumbai in Anticipatory Bail Application No.1424 of 2006.

2. Applicant Rohit was married to Pooja on 15/9/2005 and he alleges that she left the matrimonial home on 4/11/2006. He further claims that her parents

were threatening him to file a complaint for offences punishable under Section 498-A of IPC by using their influence with the police authorities and, therefore, he had moved an application for anticipatory bail. In the meanwhile, FIR came to be registered on 3/12/2006 against him for offences punishable under Sections 498-A, 323, 509 of IPC and also under the provisions of the Dowary Prohibition Act, 1961. The anticipatory bail application was rejected on the ground that the ongoing investigation would be hampered if the applicant was not allowed to be interrogated in custody.

3. During the pendency of this application, both the parties i.e. the applicant as well as his wife, having realised that the marriage had broken down permanently, decided to apply for divorce by consent and, therefore, consent terms signed between the parties have been placed before me. Consent pursis is marked as "X" for identification and it has been signed between the parties as well as their respective learned Advocates. Shri D.M. Khollam, Police Inspector from Juhu Police Station is also present in

the court.

4. By way of permanent and final settlement, the applicant-husband has agreed to pay a sum of Rs.22,50,000/- in three instalments to the wife and in turn she has also agreed to file an application for divorce by mutual consent in the Family Court at Mumbai within two weeks from today. The first instalment of Rs.5,00,000/- has been received by a cheque. The wife has also agreed to withdraw all the allegations made in C.R. No.358 of 2006 lodged with the Juhu Police Station. So far five CDs are concerned, three CDs containing the photographs of the wife are to be returned to her by the Police Inspector, Juhu Police Station, Mumbai and the remaining two CDs containing blue films to be destroyed by the said Officer on the wife furnishing a copy of decree of divorce. The laptop and the Digital Camera of the husband seized by the Juhu Police Station vide panchanama dated 4/12/2006 is to be sent to Hyderabad by the police along with a photograph of the wife in order to delete the emages/photographs of the wife found in any form whether singly or otherwise

and thereafter the Digital Camera and the laptop shall be returned to the applicant-husband by the police. A copy of the consent terms has already been handed over to the learned APP so that the Police Inspector present in the court proceeds to take further steps as stated therein.

5. In view of the settlement between the parties, which settlement appears to be genuine and bonafide and more so when the wife has agreed to withdraw the complaint filed by her under C.R. No.358 of 2006 with Juhu Police Station, there does not appear to be any need of the applicant husband to be taken in custody for interrogation any further.

6. Hence this application is disposed off by recording the statement of the Police Inspector through the learned APP, that the applicant-husband is not required to be taken in custody unless required in some other fresh complaint.

7. Certified copy is expedited.

(B.H. Marlapalle,J.)